



## U.S. Environmental Protection Agency Applicability Determination Index

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**Control Number: C64**

**Category:** Asbestos  
**EPA Office:** Region 9  
**Date:** 09/22/1989  
**Title:** Chutes to Transfer Asbestos Debris  
**Recipient:** Nakasato, Alan  
**Author:** Seeley, Charles

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**Abstract:**

A dust-tight chute or containers must be used to transport materials (such as spray acoustic materials) which were not removed as units or sections if they are removed or stripped more than fifty feet above ground level. However, the regulation does not prohibit the use of dust-tight chutes to transport materials distances less than fifty feet.

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**Letter:**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
215 Fremont Street  
San Francisco, Ca. 94105

September 22, 1989

Mr. Alan Nakasato  
Barsotti's Inc  
1571 Alvarado  
San Leandro, CA 94577

Dear Mr. Nakasato:

I am writing in response to your letter to Janet Crawford dated September 5, 1989 which requests a written interpretation of 40 C.F.R. Part 61, Subpart M as it relates to the use of chutes to transfer asbestos debris within a contained work area.

From the cross section of your proposed project setup included in your letter to us, it appears that you are removing asbestos acoustic spray materials from a gym ceiling which is 27 feet above ground level. Your plan shows that you will build a sub-floor seven feet under the ceiling. Material will be stripped and lowered to this floor. The wetted materials would then be transferred to the ground level twenty feet below via an enclosed vertical chute.

Your question, as I understand it, is whether Section 61.147(e)(3) prohibits the use of dust tight chutes for transporting asbestos materials less than fifty feet. Our reading of the regulation is that a dust-tight chute or containers must be used to transport materials (such as spray acoustic materials) which were not removed as units or sections if they are removed or stripped more than fifty feet above ground level. However, the regulation does not prohibit the use of dust-tight chutes to transport materials distances less than fifty feet.

If you have any questions, please contact Janet Crawford at (415) 974-7633.

Sincerely,

Charles M. Seeley  
Chief, Enforcement Section V  
Air and Toxics Division

cc: Ken Malmberg, SSCD